

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2766 of 2018

- Raj @ Mohan Yadav S/o Dubraj, Aged About 18 Years, R/o- Village- Goliyagarh, Kotba, P.S. Bagbahar, Tahsil Pathalgaon, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kapu, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ajeet Kumar Yadav, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-06-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application for grant of regular bail was dismissed for want of prosecution by this Court. The applicant has been arrested on 05-10-2016 in connection with Crime No.32/2016 registered at P.S. Kapu, District- Raigarh, Chhattisgarh for the offence under Section 376, 120-B, 34 of the IPC and Section 3(1)(xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted on behalf of the applicant that the applicant is innocent and he has been falsely implicated in this case. The allegations are against the main accused Islam Khan and others. The applicant was neither present on the spot, nor he has abducted and raped the prosecutrix. Hence, it is prayed that he may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the case against this applicant, there had been history of

enmity between the main accused Islam Khan with the victim/prosecutrix. It is alleged that this applicant was in the conspiracy with co-accused persons, in which the complainant/prosecutrix was called out of her house by this applicant through telephone and then she was abducted by the co-accused persons.

6. After due consideration on the material present in the case diary, it appears that this applicant was not present on the spot at the time of incident, neither there is any seizure of mobile and call detail report, hence, under these circumstances, I am of this view that this applicant should be granted regular bail during the pendency of trial against him.

7. Consequently, this application filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge